CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Disco	ourt. U.S.
Chelsea Yogerst		Squad #12	201603650	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. S	OL EO SOL
Thursday, 04/28/2016 7:25 AM		§ 87(2)(b)		76	10/28/20	17 10/28/2017
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Tin	ne Received at	CCRB
Thu, 04/28/2016 12:50 PM		CCRB	Phone	Thu, 04/2	28/2016 12:50) PM
Complainant/Victim	Type	Home Addre	ss			
Witness(es)		Home Addre	ss			
Subject Officer(s)	Shield	TaxID	Command			
1. DT3 Christophe Heredia	01339	938656	WARRSEC			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. DT3 Antoyne Chess	00162	938218	WARRSEC			
2. DT1 David Cumming	02529	883244	WARRSEC			
Officer(s)	Allegatio	on		Inv	vestigator Re	ecommendation
A.DT3 Christophe Heredia	Abuse: Detective Christopher Heredia entered and searched					

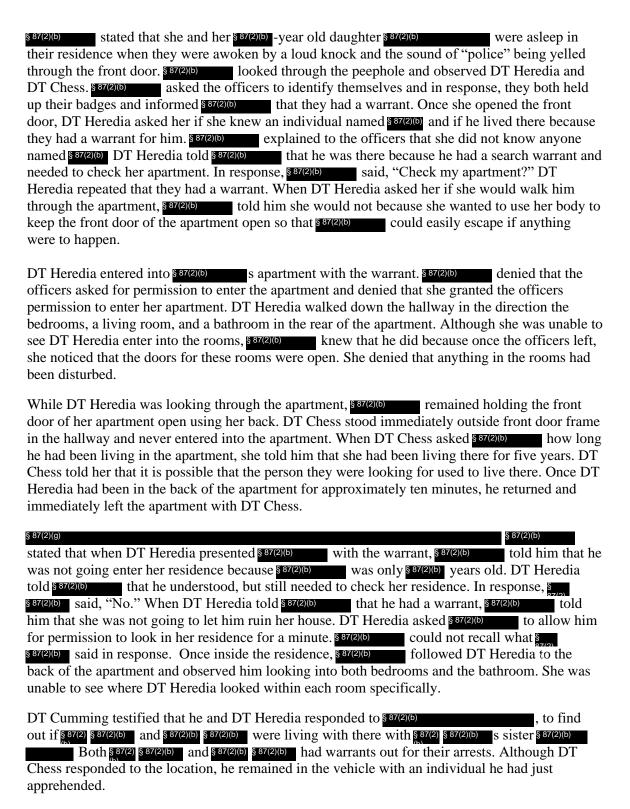
Case Summary On April 28, 2016, \$87(2)(5) filed this complaint with the CCRB via telephone. On April 28, 2016, at approximately 7:25 a.m., Detective Antoyne Chess and Detective Christopher Heredia, both of the Manhattan Warrant section, arrived at \$87(2)(b) apartment at 87(2)(b) , in Brooklyn. DT Heredia entered and allegedly searched the apartment (Allegation A). There is no video evidence for this case. Mediation, Civil and Criminal Histories accepted mediation § 87(2)(g) did not file a Notice of Claim (07 BR). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] Civilian and Officers CCRB Histories This is § 87(2)(b) s first CCRB complaint (10 BR). DT Christopher Heredia has been a member of the service for 11 years and has six allegations in three cases. Among these allegations, there are no substantiated allegations § 87(2)(g) § 87(2)(g), § 87(4-b) **Findings and Recommendation Explanation of Subject Officer Identification** stated that two officers responded to her residence, one of which entered. She described the officer that did not enter her apartment as a black male, with dark-skin, 5'5" tall, built body build, in his forties, and who wore reading glasses with black frames. She believed this officer's name was PO Chester because he verbally provided it during the incident. This is consistent with the physical pedigree information of DT Chess. She described the officer that entered into her apartment as mixed-raced male, with light complexion, fair skin, 5'9" tall, average body build, black curly hair and who appeared to be forty-three or forty-four years old. This is consistent with the physical pedigree information of DT Heredia. §87(2)(9)

Recommendations

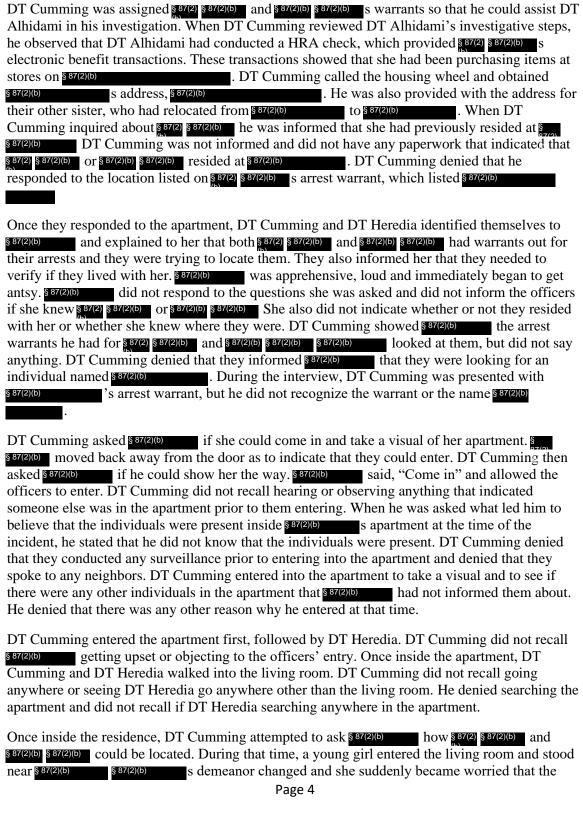
Allegation A-Abuse of Authority: Detective Christopher Heredia entered and searched in Brooklyn.

It is undisputed that DT Heredia entered \$87(2)(b) in Brooklyn.

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officers would scare her daughter. §87(2)(b) began to scream and told the officers that they had to leave her and that she did not want them there because she had to go to work. As soon as \$87(2)(b) told the officers to leave, they exited the apartment. DT Cumming did not know if there were any other individuals inside the apartment because they did not go any further than the living room. DT Heredia testified that when they responded to the apartment, § 87(2)(b) appeared agitated and unhappy, although he did not recall what led him to believe that. He also stated that once inside the apartment, he remained by the front door and did not move from where he was positioned. DT Chess maintained that he responded to 887(2)(b) in Brooklyn but remained in the vehicle while DT Heredia and DT Cumming responded to the apartment. He denied that he discussed with his partners what they planned on doing once they arrived to the apartment and was unable to see his partners once they entered into the building. He denied observing anything that indicated that someone was present within the apartment and did not recall having a discussion with DT Cumming or DT Heredia about what occurred once they responded to the apartment. The warrant (12 BR) shows that there was an active bench warrant for \$87(2)(b) . which was issued on § 87(2)(b) . The arrest warrant lists § 87(2)(b) in Brooklyn as § 87(2)(b) residence address. Generally, officers entering a residence to perform an arrest must possess a warrant. According to Payton v. New York, an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within (04 BR). CPL 120.80 states that without a search warrant or exigent circumstances, an officer can search the location only to the extent necessary to identify and safely arrest the subject of the search warrant (01 BR). However, as stated in CPL 120.80 and affirmed by People v. Cabral, a police officer with an arrest warrant may only enter the defendant's residence if he has reasonable belief that the defendant is present at the time of the arrest warrant execution (03 BR).

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Squad: 12			
1			
Investigator:			
	Signature	Print	Date
Squad Leader: _			
	Title/Signature	Print	Date